

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

Charles William Johnson, Sr. and
Patricia Gosney Johnson

DEBTOR(S)

Address: 204 Old Hickory Drive
Conway, SC 29526

Last four digits Social Security: 1345 and 5148

CASE NO: 19-01935-dd

CHAPTER: 7

NOTICE AND APPLICATION FOR SALE OF
PROPERTY FREE AND CLEAR OF LIENS

TO: All Creditors and Parties in Interest

Kevin Campbell, Chapter 7 Bankruptcy Trustee, has filed papers with the court to obtain approval to sell the property of the debtor's estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to approve the sale of the property, or you want the court to consider your views on the application, then within twenty-one (21) days of service of this notice, you or your attorney must:

File with the court a written response, return, or objection at:

1100 Laurel Street
Columbia, SC 29201

Responses, returns, or objections filed by an attorney must be electronically filed in ecf.scb.uscourts.gov.

If you mail your response, return, or objection to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy to:

KEVIN CAMPBELL, TRUSTEE, Post Office Box 684, Mt. Pleasant, SC 29465

Attend the hearing scheduled to be heard on January 14, 2020, at 9:00 a.m. at the United States Bankruptcy Court, 145 King Street, Suite 225, Charleston, South Carolina.

If no response, return, and/or objection is timely filed and served, no hearing will be held on this application, except at the direction of the judge.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

TYPE OF SALE: Private Sale.

PROPERTY TO BE SOLD: The Estate's interest in real property known as 2950 Alexander Avenue, South Boston, VA 24592

NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITHOUT ANY WARRANTIES WHATSOEVER INCLUDING, BUT NOT LIMITED TO, WARRANTY AS TO TITLE. THE BUYER AGREES TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE OR PURPOSE. THE BUYER SHOULD HAVE THE TITLE TO THE PROPERTY RESEARCHED BEFORE THE CONSUMMATION OF THE SALE. THE TRUSTEE DOES NOT PROVIDE LIEN OPINIONS. THE BUYER HAS BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.

PRICE: \$101,700.00 cash or certified funds plus an additional \$6,000.00 to be paid directly to the bankruptcy estate for a total sales price of \$107,700.00.

APPRAISAL VALUE: \$101,700.00 per Trustee's real estate agent.

BUYERS: Jonathan E. Chitwood, or his assigns, whose address is 2568 High Plains Rd, Roxboro, NC 27574-9325 (The buyer is a good faith purchaser for value under §363(m) and does not have any known adverse interest in this case or any parties involved in this case, including the Debtors, Debtors' counsel and the U.S. Trustee's office. The Buyer is not a creditor of the Debtors).

PLACE, DATE AND TIME OF SALE: This sale shall take place as soon as possible following the entry of the Order Approving the Sale by the U.S. Bankruptcy Court at a date, place and time to be agreed upon by the parties.

SALES AGENT/AUCTIONEER/BROKER/ETC.: BK Global Real Estate Services ("BKRES") whose address is 1095 Broken Sound Parkway, N.W., Suite 100, Boca Raton, FL 33487 and telephone number is 561-206-0067 is the Real Estate Broker; and Palmer Properties of VA, LLC whose address is 201 PO Box South Boston, VA 24592 and whose telephone number is 434-575-2417 is the Local Listing Agent.

EXPENSES OF SALE: Normal Seller's closing costs are estimated to be approximately \$4,200.00, being approximately 4% of the gross sale price to be paid from the lender's portion of the sale proceeds. The Chapter 7 Trustee will also be reimbursed for the \$181.00 filing fee paid by him to the U.S. Bankruptcy Court.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: \$6,102.00 or approximately 6% to be paid by the lender's portion of the sale proceeds. BKRES will pay Palmer Properties of VA, LLC from its 6% commission.

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: The sale is free and clear of all liens, encumbrances and judgments. This sale is subject to any easements, covenants or

restrictions of record. There is a valid first mortgage lien held against this real property by Bank of America in the approximate amount of \$100,685.00. Bank of America has agreed to accept a payment of \$91,433.74 to release its lien on the real estate and to waive its deficiency for the balance.

The net amounts could increase or decrease depending on the actual closing costs determined at closing, but in no event would the estate receive less than the \$6,000.00 Trustee fee, less any expenses/ contributions from the Trustee fee as necessary.

The Trustee is not aware of any other liens, judgments, or other encumbrances. To the extent they may exist, they are disputed and they shall attach to the estate's interest in the net sale of proceeds pursuant to 11 U.S.C. §363(f)(4).

A certified copy of the Order approving the sale may be filed with the appropriate clerk and/or recorded with the recorder to cancel any liens and other encumbrances of record as provided for in this notice.

DEBTOR'S EXEMPTION: Not applicable

PROCEEDS ESTIMATED TO BE PAID TO THE ESTATE: Approximately \$6,000.00 less any expenses/ contributions as necessary.

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

Mt. Pleasant, SC
Dated: November 22, 2019

/s/ Kevin Campbell
KEVIN CAMPBELL, TRUSTEE
Post Office Box 684
Mt. Pleasant, SC 29465
(843) 884-6874/884-0997(fax)
District Court ID No. 30
kcampbell@campbell-law-firm.com

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CERTIFICATE OF MAILING

I, Suzanne Chisholm, attorney for the Chapter 7 Trustee, hereby certify that I have this day mailed a true and correct copy of the following:

Notice of sale and Proposed Order

by United States Postal Service, to the following parties:

1. SEE ATTACHED MAILING MATRIX
2. Jonathan E. Chitwood, 2568 High Plains Rd, Roxboro, NC 27574-9325

/s/ Suzanne Chisholm
Suzanne Chisholm
Campbell Law Firm, P.A.
Post Office Box 684
Mount Pleasant, SC 29465
Phone No.: (843) 884-6874
Facsimile No.: (843)884-0997
Scampbell@campbell-law-firm.com

Dated: November 22, 2019